



## OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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February 16, 2006  
**DIRECTIVE**  
**06-L&H-2**

TO: ALL LIFE INSURERS LICENSED TO WRITE BUSINESS IN GEORGIA

FROM: JOHN W. OXENDINE  
INSURANCE AND SAFETY FIRE COMMISSIONER

DATE: FEBRUARY 16, 2006

RE: TRAVEL UNDERWRITING

Recently, legislation was introduced in the Georgia General Assembly to prohibit underwriting for life insurance based on an applicant's or insured's past or proposed future travel to the State of Israel. The applicable circumstances recounted by the proponents of this legislation were that 23 members of the Anti-Defamation League applied for life insurance. On their applications for coverage, they indicated they planned to travel to Israel. All of the life insurance applications were rejected. Because of the serious nature of this issue, we feel compelled to offer the following guidance to all insurers who may contemplate actions such as those described above:

O.C.G.A. § 33-6-4(b)(8)(A)(i), part of the enumeration of unfair methods of competition and unfair trade practices, reads as follows:

The following acts or practices are deemed unfair methods of competition and unfair and deception acts or practices in the business of insurance:

...

Making or permitting any unfair discrimination between individuals of the same class, same policy amount, and equal expectation of life in the rates charged for any contract of life insurance or of life annuity, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract.

This statute is applicable to all underwriting for life insurance, including that based on an applicant's past travel experiences or future travel plans.

Accordingly, it is the purpose of this Directive to notify all licensed insurers writing life insurance in the State of Georgia that, under existing law, any rejection of an application for life insurance based solely on past lawful foreign travel or the expression of intent by an applicant to engage in future lawful foreign travel to any country is an unfair trade practice unless the rejection is based on sound principles that have been approved by the Department of Insurance. Insurers shall take all necessary steps to be certain that any such unfair practices are not a part of their insurance operations. Failure to comply with Georgia law will result in the appropriate enforcement action.

Please be advised that this Directive replaces Directive Number 06-L&H-1, dated February 1, 2006.

Should you have any questions regarding this Directive, please contact the Life & Health Division at (404) 656-2085.

  
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